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| 09/870,429 | 05/30/2001 | Alain Delpuch | OPTVP015 | 7066 |
| 21912 | 7590 | 08/04/2005 | EXAMINER | |
| VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014 | | | SRIVASTAVA, VIVEK | |
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| | | | 2617 | |

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,429

Applicant(s)

DELPUCH, ALAIN

Examiner

Vivek Srivastava

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 9, 12 – 16, 18 - 19, 22 – 24 and 27 are rejected under 35

U.S.C. 102(b) as being anticipated by Bisdikian et al (US 6,047,317).

Regarding claims 1, 22, 24 and 27, Bisdikian discloses a method and computer program product for processing broadcasts, comprising a computer readable medium having machine readable code embodied therein for presenting a multimedia presentation.

Bisdikian discloses a video presentation system which receives a plurality of series of digital data segments that are cyclically transmitted via a carousel method (see Abstract and col 3 lines 43 – 45). Bisdikian discloses each carousel discloses a directory and a root image frame which is the initial frame to be displayed to a user (see col 3 lines 55 – 60). Bisdikian discloses each image frame may be provided with one or more hot spots (see col 4 lines 11 – 16). It is noted that the image frame meets the claimed 'magazine' limitation and the hot spots meet the claimed 'data associated

with the multimedia presentation' limitation. It is further noted that Applicants specification define 'magazine' as a multimedia presentation (see col 9 lines 4 – 5).

Bisdikian further discloses receiving image frames from broadcast television channels (see col 4 lines 48 – 52) and thus discloses the claimed 'receiving at least one broadcast'.

Bisdikian discloses storing portions of the broadcast channel data i.e. image frames of the carousel based on the hot spot data or hyper link data (see col 4 lines 11 – 28 and lines 48 – 52, col 6 lines 20 – 25).

Bisdikian discloses a multimedia presentation in the educational field where the multiple image frames with hot spots will be displayed to a user (see col 6 lines 45 – 53).

Regarding claim 2, Bisdikian discloses the claimed wherein receiving the at least one broadcast includes receiving broadcasts from a plurality of channels (see col 4 lines 48 – 52).

Regarding claim 3, Bisdikian discloses the claimed wherein receiving broadcasts from a plurality of channels includes tuning to the channel on which a broadcast is to be received (see col 4 lines 48 – 52). It is noted to receive the pages on a corresponding channel, the channel must be 'tuned'.

Regarding claims 4 – 6, Bisdikian discloses a user can select a hot spot to hyperlink to another broadcast image page (see col 4 lines 11 – 28). Bisdikian further discloses the user can select a page which is pre-cached (see col 6 lines 22 – 25). It is

noted that retrieving a page which is pre-cached would entail searching stored portions of the broadcast channel received.

Regarding claims 7 and 9, Bisdikian discloses presenting to a the user a multimedia presentation which includes playing at least one broadcast portion.

Bisdikian further discloses a television display (see TV receiver 20 in fig 1 and fig 3).

Regarding claims 12 – 16, Bisdikian discloses a multimedia educational presentation which includes a plurality of image frames or a plurality of pages (see col 6 lines 45 – 53). Bisdikian further discloses hot spots for linking to the plurality of image frames (see col 6 lines 45 – 53) for presentation of the page which can pre-cached (see col 6 lines 21 – 25).

Regarding claims 18 - 19, Bisdikian discloses a plurality of image frames or magazine pages (see col 6 lines 45 – 53) and pre-caching the image frames (see col 6 lines 21 – 25).

Regarding claim 23, Bisdikian discloses pre-caching the broadcast transmission of image pages (see col 6 lines 21 – 25).

Claims 1, 4 – 6, 12 – 16, 18 – 20, 22 – 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Koninkluke Philips Electronics (WO 99/65230 – cited by Applicants, hereinafter ‘Philips’).

Regarding claims 1, 22, 24 and 27, Philips discloses a method and computer program product for processing broadcasts comprising receiving a front page of an electronic newspaper with a table of contents with links to other elements of the

newspaper. It is noted that the front page meets the claimed “magazine” limitation and the table of contents meets the claimed “data” limitation (see page 4 lines 25 – 30).

Philips further discloses the broadcast is cyclically transmitted in a carousel fashion (see page 1 lines 24 – 25, page 2 lines 19 – 20), wherein the interactive applications are pre-fetched and cached in anticipation of future access (see page 4 lines 10 – 15, page 5 lines 5 – 6) for display to a user (see page 2 lines 5 – 7). It is noted that Philips discloses the claimed “receiving at least one broadcast”, “storing portions of the broadcasts, based on the data”, and “presenting the multimedia presentation to a use”.

Regarding claims 4 – 6, Philips discloses electronic multimedia newspaper with a table of contents enabling a to hyperlink to a pre-fetched page. It is noted that in retrieving the page, the system must inherently search the cache memory for the page (see page 4 lines 3 – 30, page 5 lines 5 – 6).

Regarding claim 7 and 9, Philips discloses a user can display a pre-fetched electronic newspaper page and thus discloses playing stored content (see page 4 line 25 – page 5 line 6).

Regarding claims 12 – 16, Philips discloses providing a user with an electronic newspaper multimedia presentation with a plurality of pages including politics, sports, weather, headlines etc (see page 4 lines 25 – 30). Philips discloses providing a user with a table of contents with links to other elements or pages of the newspaper so a user can display the selected page (see page 4 lines 25 – 30). Philips further discloses the interactive applications can be pre-fetched and stored in anticipation of future

access (see page 4 lines 14 – 16) and thus discloses the claimed “wherein presenting the selected page includes playing at least one stored broadcast portion associated with the selected page” and “wherein at least one stored broadcast portion is associated with more than one page”.

Regarding claims 18 – 19 and 23, Philips discloses pre-fetching, storing and displaying at least a plurality of electronic newspaper or magazine pages (see page 4 lines 10 – 30).

Regarding claim 20, Philips discloses the claimed viewer profile which includes viewer preferences (see page 5 lines 5 – 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biskikian et al (US 6,047,317).

Regarding claim 25, Biskikian discloses the claimed receiving magazine and associated data, receiving at least one broadcast, and a storage device coupled to a receiver which receives the broadcast for pre-caching the image frames as discussed above. Biskikian further discloses the claimed microprocessor 54 (fig 5) to use the data

portions stored to provide an educational multimedia experience to a user (see col 6 lines 45 – 53). Bisdikian fails to disclose the claimed first receiver and second receiver.

Official Notice is taken it is notoriously well known in the art to provide multiple receivers to enable display a plurality of images on a single screen (i.e. picture-in-picture technology) and/or to provide receiving and displaying of data from a plurality of sources. Therefore, it would have been obvious to modify Bisdikian to include the claimed limitation for the benefit of displaying a plurality of images on a single screen or to enable displaying data from a plurality of sources.

Regarding claim 26, as discussed above, Bisdikian discloses receiving image frame data and hot spot data.

Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian et al (US 6,047,317) in view of Fries et al (US 6,317,885).

Regarding claim 8, Bisdikian fails to disclose the claimed wherein playing the at least one stored broadcast in automatic.

In analogous art, Fries teaches a multimedia presentation system which autolinks one page to another page (see col 11 line 51 – col 12 line 58). It would have been obvious an autolink feature would provide linking and displaying pages without a user having to input a command. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bisdikian to include the claimed limitation for the benefit of automatic playing of a presentation without requiring a user to input commands.

Regarding claim 21, Bisdikian fails to disclose the claimed wherein the data includes metadata.

In analogous art, Fries teaches a multimedia presentation system which autolinks one page to another using metadata (see col.3 lines 12 – 20, col 11 line 51 – col 12 line 58). It would have obvious providing metadata and a autolink feature would provide linking and displaying pages without a user having to input a command. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bisdikian to include the claimed limitations for the benefit of automatic linking and playing of a presentation without requiring a user to input commands.

Claims 10 -11 rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian et al (US 6,047,317) in view of Eyer et al (US 5,982,445).

Regarding claims 10 – 11, Bisdikian fails to disclose wherein the stored broadcast portion is displayed integral with the multimedia presentation and wherein the at least one stored broadcast portion is displayed within the multimedia presentation.

In analogous art, Eyer disclose a system which can display a plurality of pages of information on one screen including overlay, inset region, split-screen or picture-in-picture (see col 4 lines 58 – 65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bisdikian to include the claimed limitation to enable the benefit of simultaneous or combined viewing of a

plurality of pages at the same time thus enhancing a user's viewing and interactive experience.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biskikian et al (US 6,047,317) in view of Brotz et al (US 6,374,404).

Regarding claim 20, Although Bisdikian discloses caching of image frames, Bisdikian to disclose the claimed wherein storing portions of the broadcasts includes comparing the data to a viewer profile.

In analogous art, Brotz teaches filtering cached web-pages based on a user profile including past behavior and preferences (see col 4 lines 1 – 5 and col 10 lines 25 – 41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bisdikian to include the claimed limitations for the benefit of providing a user with portions of a broadcast which a user would prefer to see thus enhancing a viewer's multimedia experience.

Claims 2 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koninkluke Philips Electronics (WO 99/65230 – cited by Applicants, hereinafter 'Philips') in view of Bisdikian et al (US 6,047,317).

Regarding claims 2 – 3, Philips fails to disclose the claimed receiving the at least one broadcast includes receiving broadcasts from a plurality of channels and the claimed receiving broadcasts from a plurality of channels includes tuning to the channel on which a broadcast is to be received.

In analogous art, Bisdikian teaches a multimedia system enabling a user to rapidly access images in cyclically transmitted image system wherein to minimize the access latency period to any frame in con-currently received carousels, the carousels may be distributed across multiple television channels (see col 4 lines 48 – 52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bisdikian to include the claimed limitation for the benefit of minimizing access latency.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koninkluxe Philips Electronics (WO 99/65230 – cited by Applicants, hereinafter ‘Philips’).

Regarding claim 25, Philips discloses a system for providing a magazine comprising a receiver operable to receive a magazine and data associated with a magazine, the receiver operable to receive at least one broadcast, a storage device, and processor to pre-fetch and store portions of the broadcast (see page 4 lines 6 – 9). Philips fails to disclose the claimed first receiver and second receiver.

Official Notice is taken it is notoriously well known in the art to provide multiple receivers to enable display a plurality of images on a single screen (i.e. picture-in-picture technology) and/or to provide receiving and displaying of data from a plurality of sources. Therefore, it would have been obvious to modify Philips to include the claimed limitation for the benefit of displaying a plurality of images on a single screen or to enable displaying data from a plurality of sources.

Regarding claim 26, as discussed above, Philips discloses the claimed “wherein the first receiver comprises a receiver operable to receive the magazine and a receiver operable to receive the data” as discussed above.

Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koninkluka Philips Electronics (WO 99/65230 – cited by Applicants, hereinafter ‘Philips’) in view of Fries et al (US 6,317,885).

Regarding claim 8, Phillips fails to disclose the claimed wherein playing the at least one stored broadcast in automatic.

In analogous art, Fries teaches a multimedia presentation system which autolinks one page to another page (see col 11 line 51 – col 12 line 58). It would have been obvious an autolink feature would provide linking and displaying pages without a user having to input a command. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Phillips to include the claimed limitation for the benefit of automatic playing of a presentation without requiring a user to input commands.

Regarding claim 21, Phillips fails to disclose the claimed wherein the data includes metadata.

In analogous art, Fries teaches a multimedia presentation system which autolinks one page to another using metadata (see col 3 lines 12 – 20, col 11 line 51 – col 12 line 58). It would have obvious providing metadata and a autolink feature would provide linking and displaying pages without a user having to input a command. Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Phillips to include the claimed limitations for the benefit of automatic linking and playing of a presentation without requiring a user to input commands.

Claims 10 – 11 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koninkluge Philips Electronics (WO 99/65230 – cited by Applicants, hereinafter ‘Philips’) in view of Eyer et al (US 5,982,445).

Regarding claims 10 – 11, Philips fails to disclose wherein the stored broadcast portion is displayed integral with the multimedia presentation and wherein the at least one stored broadcast portion is displayed within the multimedia presentation.

In analogous art, Eyer disclose a system which can display a plurality of pages of information on one screen including overlay, inset region, split-screen or picture-in-picture (see col 4 lines 58 – 65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Phillips to include the claimed limitation to enable the benefit of simultaneous or combined viewing of a plurality of pages at the same time thus enhancing a user’s viewing and interactive experience.

Regarding claim 17, Phillips fails to disclose the claimed wherein receiving the multimedia presentation and associated data includes receiving from a point-to-point connection.

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In analogous art, Eyer teaches a multimedia presentation system which provides HTML pages and hyperlinks for accessing associated content to a user. Eyer teaches broadcasting data in a carousel fashion (see col 11 lines 4 – 9) and teaches providing a provision for upstream communication so a user can request stock information, wherein URL is transmitted to a web site server, and the associated stock ticker page is sent to the user (see col 7 lines 25 – 58). It is noted that that communication is point-to-point since the user receives the requested information. Therefore, it would have been obvious to modify Philips to include an added provision for point-to-point communication for the benefit of providing a user with specific information which a user desires to receive.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirai et al (US 6,778,222) – Data broadcasting carousel system

Bechetel et al (US 2002/0138500) – Virtual streaming in a carousel system

Mao et al (US 6,459,427) – Web-casting over digital broadcast TV network


Gelman et al (US 5,371,532) – Distributing information services

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
8/1/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER